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UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

MITSUGU **USUI**MARI YAMAGUCHI, MOTOHITO KANESHIMA, and AKIJI AOKI (08/817,101),
Junior Party,

V.

MARK R. **McCORMICK** (08/724,631),

Senior Party.

Interference No. 105,065

Before SCHAFER, TORCZON, and TIERNEY, <u>Administrative Patent Judges</u>.

TORCZON, <u>Administrative Patent Judge</u>.

JUDGMENT (PURSUANT TO 37 CFR § 1.662(a))

INTRODUCTION

Junior party Usui has requested (Paper 7) adverse judgment as to all of its claims corresponding to count 1, the sole count.

Entry of adverse judgment renders moot McCormick's request (Paper 5) for copies and further action in this interference, specifically including the telephone conference scheduled for 27 March 2003 (Paper 1).

ORDER

Upon consideration of Usui's request for adverse judgment, it is—

ORDERED that Usui's request for adverse judgment be GRANTED;

FURTHER ORDERED that judgment on priority as to Count 1 be awarded against junior party Usui;

FURTHER ORDERED that junior party Usui not be granted to a patent containing the subject matter of claims 28, 30-35, 43, and 44 of Usui's 08/817,101 application, which correspond to Count 1; and

FURTHER ORDERED that a copy of this decision be given a paper number and be entered in the administrative record of Usui's 08/817,101 and McCormick's 08/724,631 application.

RICHARD E. SCHAFER Administrative Patent Judge

RICHARD TORCZON Administrative Patent Judge BOARD OF PATENT APPEALS AND INTERFERENCES

INTERFERENCE TRIAL SECTION

MICHAEL P. TIERNEY Administrative Patent Judge

Notice: Any agreement or understanding between parties to this interference, including any collateral agreements referred to therein, made in connection with or in contemplation of the termination of the interference, shall be in writing and a true copy thereof filed in the United States Patent and Trademark Office before termination of the interference as between said parties to the agreement or understanding. 35 U.S.C. 135(c); 37 C.F.R. § 1.661.

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